

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
NO. 3:09-CR-00039-FDW-DCK

UNITED STATES,)	
)	
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
MICHAEL GREENE,)	
)	
Defendant.)	
_____)	

On March 7, 2013, the United States Court of Appeals for the Fourth Circuit affirmed the conviction of Defendant Michael Greene and remanded the matter for re-sentencing pursuant to United States v. Dorsey¹. See United States v. Greene, No. 11-4324 (4th Cir. March 7, 2013).

Upon the remand, this Court once again has jurisdiction over this matter.

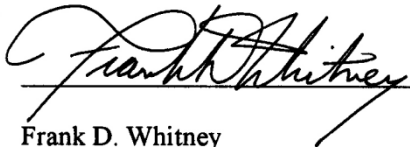
Defendant filed a *pro se* motion for a new trial (Doc. No. 642) on June 21, 2012, when this matter was on appeal and this Court lacked jurisdiction.² Now that this Court has jurisdiction, this Court can hear the motion for a new trial. The Fourth Circuit also directed this Court to hear the Defendant's motion for a new trial. See Greene, Slip op, at 5, n.3.

¹132 S.Ct. 2321 (2012).

²Defense counsel also filed a motion for a new trial (Doc. No. 679) but subsequently withdrew that motion (Doc. No. 684), stating that defense counsel's motion "essentially duplicates" the *pro se* motion. The Court interprets this to mean that defense counsel adopted the *pro se* motion, and the *pro se* motion is no longer *pro se* but effectively a motion filed by counsel.

The Court hereby ORDERS the United States to respond to Defendant's motion for a new trial by April 30, 2013.

Signed: March 21, 2013


Frank D. Whitney
United States District Judge

